

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:

MARIA OCAMPO,

Complainant,

and

WEBER-STEPHEN PRODUCTS CO.,

Respondent.

CHARGE NO(S): 2006CA1658

EEOC NO(S): 21BA60751

ALS NO(S): 07-009

NOTICE

You are hereby notified that the Illinois Human Rights Commission has not received timely exceptions to the Recommended Order and Decision in the above named case. Accordingly, pursuant to Section 8A-103(A) and/or 8B-103(A) of the Illinois Human Rights Act and Section 5300.910 of the Commission's Procedural Rules, that Recommended Order and Decision has now become the Order and Decision of the Commission.

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

Entered this 9th day of April 2010

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

2. Complainant was working as a packer at the time of the incidents alleged in the complaint.
3. On December 13, 2007, Respondent filed a motion for summary decision.
4. Complainant never filed a written response to the motion for summary decision.
5. On February 14, 2008, Respondent filed a response to Complainant's motion for voluntary dismissal.
6. On February 21, 2008, Complainant sent a motion for voluntary dismissal to the Commission's office by facsimile.
7. On March 6, 2008, an order was entered that informed the parties that the Commission's rules do not allow for filing by fax. That order stated that "Complainant should file the original, signed motion" and that the matter would be dismissed when that motion was properly filed.
8. Complainant never responded to the March 6, 2008 order.

CONCLUSIONS OF LAW

1. Complainant is an "aggrieved party" as defined by section 1-103(B) of the Illinois Human Rights Act, 775 ILCS 5/1-101 *et seq.* (hereinafter "the Act").
2. Respondent is an "employer" as defined by section 2-101(B)(1)(a) of the Act and is subject to the provisions of the Act.
3. Complainant's actions indicate a desire to abandon her case.
4. The complaint in this matter should be dismissed with prejudice.

DISCUSSION

On February 14, 2008, Complainant's counsel sent a motion for voluntary dismissal to the Commission's Chicago office by facsimile. On March 6, an order was entered which informed the parties that the Commission's rules do not allow filing of documents by fax. The March 6 order stated that Complainant should file the original, signed version of the motion for

voluntary dismissal. The order further stated that this action would be dismissed once that motion was properly filed. Complainant disregarded the March 6 order and has done nothing with regard to this case since sending the February 14 fax.

Oddly enough, on February 14, 2007, a week before the faxed motion arrived, Respondent filed a written response to the motion. Not surprisingly, Respondent agreed that the motion should be granted and the case dismissed.

Since no motion for voluntary dismissal was ever properly filed, there is no such motion to address. However, Respondent's impressively timely "response" to the unfiled motion, coupled with Complainant's apparent complete lack of interest in pursuing her claim, strongly suggests that the parties have resolved their differences. Certainly, Complainant appears to have abandoned her claim. Accordingly, it is recommended that the complaint in this matter be dismissed.

RECOMMENDATION

Based upon the foregoing, it appears that the parties have resolved their dispute and Complainant has abandoned her claim. Accordingly, it is recommended that the complaint in this matter be dismissed in its entirety, with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____
MICHAEL J. EVANS
CHIEF ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: July 23, 2009